

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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CDx Diagnostics, Inc. et al.,

Plaintiffs,

v.

U.S. Endoscopy Group, Inc. et al.,

Defendants.

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) CASE NO. 7:13-cv-5669-NSR  
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) JUDGE NELSON STEPHEN ROMÁN  
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**DEFENDANT U.S. ENDOSCOPY GROUP, INC.’S NOTICE OF MOTION TO  
STAY PROCEEDINGS PENDING *INTER PARTES* REVIEW**

Defendant U.S. Endoscopy Group, Inc. (“U.S. Endoscopy”) respectfully moves this Court for an Order staying this case pending the conclusion of the proceedings before the United States Patent and Trademark Office’s (“USPTO”) Patent Trial and Appeal Board (“PTAB”) on the petitions for *inter partes* review (“IPR”) on the patents-in-suit: U.S. Patent No. 7,004,913, U.S. Patent No. 6,676,609, and U.S. Patent No. 6,258,044.

As set forth in U.S. Endoscopy’s Memorandum in Support of this Motion, which is served contemporaneously herewith and incorporated herein by reference, entering the requested stay will preserve valuable judicial resources and keep the parties from wasting resources, duplicating efforts, and increasing costs while the USPTO’s PTAB rules on the IPRs. At a minimum, the rulings on the IPRs will streamline many of the issues in this action and these rulings may even render this entire case moot.

Given that this action was recently filed and the parties have not conducted any discovery, the entry of a stay is supported by the record and will not subject Plaintiffs to any undue prejudice. Accordingly, U.S. Endoscopy requests that the Court grant its Motion and stay this action pending the conclusion of the IPR proceedings.

Dated: April 15, 2014

Respectfully submitted,

/s/ Todd R. Tucker

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*Attorneys for Defendant U.S. Endoscopy  
Group, Inc.*

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing, *Defendant U.S. Endoscopy Group, Inc.'s Motion to Stay Proceedings Pending Inter Partes Review*, has been served via electronic mail and First Class United States Mail, postage prepaid, this 15th day of April 2014 upon the following:

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s/ Todd R. Tucker  
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